

House File 2461 - Introduced

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BY HELLAND

A BILL FOR

1 An Act relating to legal actions involving nuisances affecting
2 agriculture.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **567B.1 Title.**

2 This chapter shall be known and may be cited as the "*Iowa*
3 *Right to Farm Act*".

4 Sec. 2. NEW SECTION. **567B.2 Definitions.**

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Animal feeding operation*" means the same as defined in
8 section 459.102.

9 2. "*Farm operation*" means any tract of land over ten acres
10 in area used for or devoted to the commercial production of
11 farm products.

12 3. "*Farm product*" means a plant or animal useful to humans
13 and includes but is not limited to any of the following:

14 *a.* Forages and sod crops.

15 *b.* Grain and feed crops.

16 *c.* Dairy and dairy products.

17 *d.* Poultry and poultry products.

18 *e.* Livestock, as defined in section 10.1, including
19 livestock used for breeding or grazing.

20 *f.* Fruits, vegetables, flowers, seeds, grasses, and trees.

21 *g.* Fish.

22 *h.* Honey.

23 *i.* An item which incorporates the use of food, feed, fiber,
24 or fur.

25 4. "*Grain warehouse*" means a warehouse as defined in section
26 203C.1 that is used to store grain for longer than ten days,
27 including but not limited to any structure consisting of one
28 or more warehouse sections that are considered as a single
29 delivery point with the capacity to receive, load out, weigh,
30 and store grain.

31 Sec. 3. NEW SECTION. **567B.3 Farm operations and grain**
32 **warehouses not a nuisance.**

33 A farm operation or grain warehouse shall not be found to be
34 a public or private nuisance if all of the following apply:

35 1. The farm operation or grain warehouse existed before

1 a change in the land use or occupancy of land claimed to be
2 affected by the farm operation or grain warehouse.

3 2. Before the change in land use or occupancy as described
4 in subsection 1 occurred, the farm operation or grain warehouse
5 would not have been a public or private nuisance.

6 Sec. 4. NEW SECTION. **567B.4 Animal feeding operations.**

7 An animal feeding operation which is located on any tract of
8 land of ten or fewer acres is not a public or private nuisance
9 if all of the following applies:

10 1. The animal feeding operation employs reasonable
11 techniques to keep dust, noise, insects, and odor at a minimum.

12 2. The nuisance action is brought by or on behalf of a
13 person whose date of lawful possession of the land claimed to
14 be affected by the animal feeding operation is subsequent to
15 the date that the animal feeding operation was established.

16 a. For a confinement feeding operation which includes
17 a confinement feeding operation structure requiring a
18 construction permit pursuant to section 459.303, the date of
19 establishment shall be the date that the department issues a
20 permit for the construction of the first confinement feeding
21 operation structure.

22 b. For an open feedlot operation which includes a settled
23 open feedlot effluent basin or alternative technology system
24 requiring a construction permit pursuant to section 459.303,
25 the date of establishment shall be the date that the department
26 issues a permit for the construction of the first open feedlot
27 effluent basin or alternative technology system.

28 EXPLANATION

29 This bill establishes an "Iowa Right to Farm Act" which
30 applies to farm operations located on more than 10 acres and
31 grain warehouses. The bill provides that a farm operation
32 or grain warehouse is not a private or public nuisance if it
33 existed before a change in the land use or occupancy of land
34 claimed to be affected by the farm operation and before the
35 change occurred, the farm operation or grain warehouse would

1 not be considered a nuisance. The bill also provides similar
2 protections for an animal feeding operation which is located on
3 any tract of land with 10 or fewer acres. The animal feeding
4 operation is not a public or private nuisance action if it
5 employs reasonable techniques to keep dust, noise, insects, and
6 odor at a minimum and the action is brought by a party whose
7 date of possession of land claimed to be affected by a nuisance
8 is subsequent to the date that the animal feeding operation was
9 established.